IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6604 OF 2007

Mulla Abbasbhai Kadarbhai Abdujee
Charity Trust, through trustees:
1.Mr.Phiroz Abdeally Poonawalla & Ors. .. Petitioners.

V/s.

Ameen Shamsuddin Nathani .. Respondent.

WITH

WRIT PETITION NO. 6605 OF 2007

Mulla Abbasbhai Kadarbhai Abdujee
Charity Trust, through trustees:
1.Mr.Phiroz Abdeally Poonawalla & Ors. .. Petitioners.

V/s.

Ameen Shamsuddin Nathani .. Respondent.

Mr. R.N.Sanghavi for the petitioners.

CORAM : S. A. BOBDE, J.

DATED : 03rd OCTOBER, 2007.

P.C. :-

. By these petitions, the petitioners/ plaintiffs have challenged the refusal by the trial court to appoint commissioner. The trial court has clearly observed that having regard to the present case, the

plaintiff can very well inspect the property by himself or through his Architect or any other person, as provided under the Rent Act and thus adduce the evidence. The court has come to the conclusion that, therefore, it is not necessary in the present case to appoint a commissioner. Indeed, Order 26 confers vide discretion on the court in the matter of appointment of a commissioner. The discretion has been properly exercised.

2. Hence, there is no reason to interfere with the impugned order. Both the writ petitions are dismissed.

(S.A.BOBDE,J.)

.....